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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,247	12/29/2000	William James Morrison	AUS920000751US1	8634

35525 7590 03/04/2005

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EXAMINER

PATEL, NITIN C

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,247

Applicant(s)

MORRISON ET AL.

Examiner

Nitin C. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4,11,12,15,16,23,24,27,28,35 and 36 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,13,14,17-22,25,26 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This is in responsive to amendment filed on 25 January 2005.
2. The objected claims 3 – 4, 11 – 12, 15 - 16, 23 - 24, 27 – 28, and 35 – 36 are rewritten as independent claims are allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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OF
3. Claims 1 – 2, 5 – 10, 13 – 14, 17 – 22, 25 – 26, and 29 – 34, are rejected under 35 U.S.C. 102(e) as being anticipated by ^{Dorr}~~Don~~ US 2002/0016743.

4. As to claims 1, and 13, and related claim 25, Dorr discloses a system and method in a data processing [on-line auctioning] system including a server computer system [on-line auction server], which includes a server clock [on line auction server clock/time as described in para 0005 on page 1, fig. 2], coupled to a client computer system [user computer], which includes a display [monitor of user computer, fig. 3] and a client clock [user computer clock/time and display device are inherent to user computer], for generating [by calculating/compensating/comparing] and displaying, in said client computer system, a local server clock [340, time left in 300 of fig.3] which is synchronized with said server clock [auction server time] utilizing said client clock [user

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computer's processor time] to place user's computer in sync with official time [eBay server start time] of the on-line auction server[eBay on line auction server][para 0023 on page 21], said method comprising the steps of:

- a. requesting data [requesting a SEARCH RESULTS] from said server computer system [on-line auction server] to be displayed on said client computer system's display [user computer display];
- b. receiving said data [receiving web pages] from said server computer system [on- line auction server] by said client computer system [user's computer];
- c. said client computer system [user's computer] determining a current time [official time] indicated by said server clock [on-line auction server clock]; said client computer system generating a local server clock [340 as shown in fig.3]; thereafer, updating [by comparing and correlating user computer processor time with official auction time obtained from on-line auction server] said local server clock utilizing said client clock [user computer time]; and d. displaying said data [auction item with price] and said local server clock [340, time left in 300 of fig.3] together on said display [para 0008, 0018 - 0024 on page 1 - 2, fig.3, 5 – 7].

5. As to claims 2, 14, and 26, Dorr discloses updating said local server clock [340, time left in 300 of fig.3] utilizing said client clock [user computer processor time] further comprises the step of incrementing said local server clock (increase in time is inherent property of clock as time passes) utilizing said client clock (user computer processor time) to count increments [fig. 5].

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6. As to claims 5 - 6, 17 - 18, and 29 - 30, Dorr discloses requesting web pages including at least one auction item available from server computer to be displayed on client computer's system display [para 0003 on page 1, fig. 1 - 3].

7. As to claims 7 - 10, 19 - 22, and 31 - 34, Dorr discloses displaying an icon associated with at least one auction item available for sale until particular data and time determined by server clock, and determining amount of time currently remaining, establishing and displaying time-remaining counter with decrementing time remaining counter [0008, 0018-0021, fig. 3, 5 - 7].

Response to Arguments

8. Applicant's arguments filed 25 January 2005 have been fully considered but they are not persuasive because:

9. Applicant has argued, "Dorr does not show generating a local server clock, updating said local server clock utilizing the said client clock, or displaying said data and said local server clock together on said display, as claimed in claim 1". The examiner disagrees. In Dorr, the local server clock [Count Down Time] is generated by obtaining the processor time and comparing it to the time left for auction [paragraph 0018]. The step of generating includes updating the Count Down Time [from zero] by utilizing the processor time [client clock]. And, the Count Down Time is displayed. Thus, Dorr meets these limitations as broadly claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 6:45 am to 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel
February 17, 2005


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100